

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

TYLER HECKS,

Plaintiff,

v.

CITY OF SELDOVIA, *et al.*,

Defendants.

Case No. 3:20-cv-00083-SLG

**ORDER RE MOTION FOR SUMMARY JUDGMENT**

Before the Court at Docket 21 is Defendant City of Seldovia's motion for summary judgment with respect to Plaintiff's claim under 42 U.S.C. § 1983. Plaintiff did not respond to the motion.

**DISCUSSION**

**I. Legal Standard**

Federal Rule of Civil Procedure 56(a) directs a court to "grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." The burden of showing the absence of a genuine dispute of material fact lies with the moving party.<sup>1</sup> If the moving party meets this burden, the non-moving party must present specific factual evidence demonstrating the existence of a genuine issue of fact.<sup>2</sup> The non-moving

---

<sup>1</sup> *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986).

<sup>2</sup> *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248–49 (1986).

party may not rely on mere allegations or denials.<sup>3</sup> Rather, that party must demonstrate that enough evidence supports the alleged factual dispute to require a finder of fact to make a determination at trial between the parties' differing versions of the truth.<sup>4</sup>

## **II. Discussion**

A local governing body is not liable under Section 1983 "unless action pursuant to official municipal policy of some nature caused a constitutional tort." *Monell v. Dep't of Social Servs. of City of N.Y.*, 436 U.S. 658, 691 (1978). Here, the record is undisputed that the Chief of Police was not acting pursuant to any official municipal policy procedure when he conducted the traffic stop on April 1, 2018. See Affidavit of City Manager, Docket 21-1. Accordingly, the City is entitled to summary judgment on this claim.

## **III. Conclusion**

For the foregoing reasons, the City of Seldovia's Motion for Summary Judgment on Plaintiff's 42 U.S.C. § 1983 Claim at Docket 21 is GRANTED.

DATED this 15th day of June, 2021 at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

---

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* (citing *First National Bank of Arizona v. Cities Service Co.*, 391 U.S. 253 (1968)).